

**Village 13 Project**  
**Responses to Correspondence Received on the County's**  
**Additional Information Regarding Carbon Offsets Protocols**  
**for Greenhouse Gas Emission Reduction**

**OCTOBER 2020**

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## Response to California Native Plant Society Comment Letter (9-18-2020)

### *Application of Executive Order B-55-18*

The commenter references Executive Order B-55-18 and states that “it seems perfectly appropriate to expect the Project to be carbon negative after 2045.” The comment relatedly suggests that the correct threshold of significance for the Village 13 Project’s CEQA analysis is “zero by 2045 and less than zero thereafter.” The comment relatedly asks whether the Project’s mitigation framework will “attain” the goal of Executive Order B-55-18.

To begin, this comment – to the extent it addresses the Village 13 Project EIR’s CEQA thresholds of significance for GHG emissions analysis – is beyond the scope of the County’s “Notice of Additional Information Regarding Carbon Offset Protocols for Greenhouse Gas Emission Reduction for Otay Ranch Resort Village (Village 13)” and related request for public comment. As provided in the referenced Notice, the County limited its request to “public comment on the carbon offset protocols to be used as mitigation” for the Village 13 Project’s GHG emissions. The thresholds of significance selected for the Project EIR’s GHG emissions analysis previously were circulated for public review and comment in April and May of 2019. No change was made to those thresholds for purposes of the County’s August 2020 posting of additional information regarding the Project’s carbon offset protocols. Nonetheless, the County responds below for informational purposes.

First, as discussed in EIR Subchapter 2.10, Global Climate Change, Executive Order B-55-18 was issued in September 2018 by former Governor Brown and established a new statewide goal “to achieve carbon neutrality as soon as possible, and not later than 2045, and achieve and maintain net negative emissions thereafter.” The Executive Order directed the California Air Resources Board (CARB) to “work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.”

To date, CARB has hosted a series of workshops regarding the State’s carbon neutrality goal,<sup>1</sup> but has not yet adopted an updated Scoping Plan that identifies and recommends measures for achievement of that goal. As described by CARB during its most recent carbon neutrality workshop on August 19, 2020, there are two steps to California’s achievement of carbon neutrality:

- ✓ Step 1: Strive for zero emissions from all sources
- ✓ Step 2: Maximize sequestration<sup>2</sup>

CARB is planning to adopt a Scoping Plan establishing California’s carbon neutrality framework

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<sup>1</sup> For a list of CARB’s carbon neutrality workshops, please see <https://ww2.arb.ca.gov/our-work/programs/carbon-neutrality/carbon-neutrality-meetings-workshops>.

<sup>2</sup> See Slide 4 of CARB’s workshop presentation available at [https://ww2.arb.ca.gov/sites/default/files/2020-08/carb\\_cn\\_report\\_aug2020.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-08/carb_cn_report_aug2020.pdf).

in late summer 2022.<sup>3</sup> However, at this time, the types of strategies and measures that may be recommended by CARB for achievement of the State’s carbon neutrality target are unknown. As a result, the Village 13 Project cannot be compared with specific Scoping Plan measures and strategies developed for achievement of the Executive Order’s carbon neutrality goal, as no such measures and strategies presently have been adopted by CARB in an updated Scoping Plan.

Second, as established by the California Supreme Court in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 517, a lead agency does not abuse its discretion in declining to utilize an Executive Order “as a measure of significance [where] the Executive Order does not specify any plan or implementation measures to achieve its goal.” As with the Executive Order at issue in the referenced California Supreme Court decision, which established a statewide GHG reduction target for 2050, the Executive Order setting the 2045 statewide GHG reduction target cited by the commenter does not “translate[s] into specific reduction targets broken down by region or sector of emission-producing activity.” (*Ibid.*) Therefore, under the *Cleveland National Forest Foundation* decision, the County is not required to utilize Executive Order B-55-18 to establish a threshold of significance for the Village 13 Project’s impact analysis.

Third, based on the available information, the County has determined that the Project as proposed with implementation of Mitigation Measures M-GCC-7 and M-GCC-8 is consistent with Executive Order B-55-18. The one-time construction emissions generated by the Project would be fully offset under Mitigation Measure M-GCC-7 prior to the release of any construction-related emissions, which are anticipated well in advance of 2045 based on the Project’s anticipated build-out timeline. As for the operational emissions addressed by Mitigation Measure M-GCC-8, multi-pronged substantial evidence supports the 30-year mitigation period set forth therein, as discussed under the “Duration of Mitigation Obligation” heading in Global Response R1: Carbon Offsets. Consistency with Executive Order B-55-18 is established by the Village 13 Project’s mitigation framework, which is designed to ensure that Project implementation results in no net increase in the existing GHG emissions level. This overall approach to the mitigation of operational emissions via carbon offsets is consistent with CEQA’s mitigation principles of proportionality and nexus, and constitutes the Project’s “fair share” of emission reductions.<sup>4</sup>

The comment also seeks clarification regarding the quantity of construction and operational GHG emissions “to be handled” by the Project EIR’s carbon offset mitigation measures. In response, please see EIR Table 2.10-4, Summary of Project GHG Emissions, and the following two table rows therein: “Construction Carbon Offsets (M-GCC-7)” and “Operational Carbon Offsets (M-GCC-8).” As shown, 38,476 MT CO<sub>2</sub>e will be offset to reduce the Project’s one-time construction emissions and 28,625 MT CO<sub>2</sub>e times 30 years (for a total of 858,750 MT CO<sub>2</sub>e) will be offset to reduce operational emissions to net zero.

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<sup>3</sup> See Slide 5 of CARB’s workshop presentation available at [https://ww2.arb.ca.gov/sites/default/files/2020-08/carb\\_cn\\_report\\_aug2020.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-08/carb_cn_report_aug2020.pdf).

<sup>4</sup> The County also notes that many of the mitigation measures impose emission reduction strategies that are built into the very design of the community, and its residences and non-residential development areas. Such design-based reduction strategies are permanent.

### *Application of Cap-and-Trade Program Standards*

The commenter references CARB's Cap-and-Trade Program, and specifically the requirement – established via Assembly Bill 398 (2017) – that designated percentages of offsets used by the Program's covered entities (described as “compliance entities” in the comment) result in “direct environmental benefits” (DEBs) to the State of California. This topic is discussed in Global Response R1: Carbon Offsets, under the “Relationship of Project Mitigation to CARB's Compliance Offsets under the Cap-and-Trade Program” heading. As explained therein, the percentage limits established under the Cap-and-Trade Program for carbon offsets do not apply to the land use development sector. This is because the entities covered and regulated by the Cap-and-Trade Program include and are limited to electric power plants, large stationary sources/industrial plants (e.g., refineries; cement production; glass manufacturing; food processing) and fuel distributors.

Purchasers of carbon offsets from the voluntary/non-Cap-and-Trade Program market are not subject to any such percentage limits on the use of offsets, nor are they permitted by CARB to emit tens of thousands of MT CO<sub>2</sub>e per year. Contrary to the comment, the Climate Action Reserve, American Carbon Registry nor Verra do not require purchasers of carbon offsets from the non-Cap-and-Trade Program market to meet any percentage caps when selecting the geographic portfolio of their offsets transactions. As discussed below and also in Global Response R1, the Project does not exclusively rely on carbon offsets but incorporates all feasible on-site reduction measures to reduce GHG emissions.

The Cap-and-Trade Program's covered entities also are not required to meet a “net zero” emissions target, as explained in Global Response R1. Instead, the covered entities are subject to a declining, but non-zero GHG emissions cap that gradually and incrementally reduces GHG emissions. As such, it is notable that, unlike Cap-and-Trade Program covered entities, the Project will achieve “net zero” emissions.

### *Additional On-Site Reduction Opportunities*

The commenter requests that the Village 13 Project be designed to eliminate the use of natural gas in the built environment, arguing that if the Project “cannot precisely control those emissions” related to building energy use once the Project is occupied by homeowners, business owners, resort guests, etc., then the Project should undertake efforts to “cause those emissions to not happen.” The County previously evaluated and responded to a similar request from the commenter; please see EIR Response to Comment RO-1-5 for relevant information.

As discussed in that response, it is not yet feasible to mandate comprehensive building electrification across all land use and building types. However, in response to this comment, the County and Project Applicants have re-evaluated the feasibility of building electrification for the Village 13 Project's specific suite of land uses and determined that the following mitigation modification is feasible and would serve to further reduce and eliminate on-site natural gas consumption and corresponding GHG emissions (additions shown in underline and deletions shown in ~~strikeout~~):

#### **M-GCC-4     Zero Net Energy Single-Family Homes**

Prior to the issuance of building permits for single-family residences, the Project applicant (or its designee) shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to San Diego County Planning & Development Services Department for review and approval. The ZNE Report shall demonstrate that the single-family residential development within the Project site subject to application of Title 24, Part 6, of the California Code of Regulations has been designed and shall be constructed to achieve ZNE, as defined by the CEC, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation, or GHG emissions savings. As part of the ZNE design, all single-family residences shall be designed to eliminate the utilization of natural gas as an energy source for the building envelope, including with respect to the heating, ventilation and air conditioning (HVAC) systems and as to appliances. This also shall require that no natural gas fireplaces be installed in single-family residences.

A ZNE Report may, but is not required to:

- Evaluate multiple single-family residences.
- Rely upon aggregated or community-based strategies to support its determination that the subject buildings are designed to achieve ZNE. For example, shortfalls in renewable energy generation for one or more buildings may be offset with excess renewable generation from one or more other buildings, or off-site renewable energy generation. As such, a ZNE Report could determine a building is designed to achieve ZNE based on aggregated or community-based strategies even if the building on its own may not be designed to achieve ZNE.
- Make reasonable assumptions about the estimated electricity ~~and natural gas~~ loads and energy efficiencies of the subject buildings.

Additionally, all single-family residences shall be pre-wired to facilitate the subsequent installation of battery-based energy storage systems by homeowners.

As shown with this mitigation modification, all of the Village 13 Project's single-family residences would be electrified and would not utilize natural gas. The Project's other land uses would not be electrified at this time due to the constraints discussed in EIR Response to Comment RO-1-5, including the continuing potential need for natural gas. For example, commercial-styled kitchens in the resort and school likely would require natural gas. To the extent that Title 24, Part 6 of the California Building Code, however, mandates electrification at the time of building permit application for any such uses, the Project would comply with the then-applicable version of the code requirements.

The County notes that the Project EIR's responses to comments also address other specific recommendations, made in prior comments, regarding potential additional on-site emission reduction opportunities. As discussed therein, recommended strategies have been incorporated where feasible. EIR Subchapter 2.10, Global Climate Change, also identifies the Project's on-site

environmental design considerations and mitigation measures. The on-site strategies reduce GHG emissions, to the extent feasible, from each component of the Village 13 Project's emissions profile – construction; area sources; energy use; water consumption; solid waste transportation; and vehicles.

### *Carbon Offset Availability*

The commenter asks whether a sufficient quantity of carbon offsets is available from projects located in the County of San Diego to meet the Village 13 Project's mitigation demand.

In response, at present time, a sufficient quantity of carbon offsets from projects located in the County of San Diego does not exist to meet the offset demand of the Village 13 Project. A sufficient quantity of carbon offsets currently is available from locations within the broader geographic spectrum of the State of California and United States. Notably, Mitigation Measures M-GCC-7 and M-GCC-8 require the Village 13 Project Applicants to submit market survey reports studying carbon offset market conditions no later than the time of grading permit and building permit application. These market survey reports must: be prepared by carbon offset brokers with a minimum of 10 years of experience assisting with transactions in emissions markets; identify the carbon registry listings reviewed for carbon offset availability; and, identify the geographic attributes of carbon offsets that are offered for sale and available for retirement. As such, the geographic availability of carbon offsets will be shown per articulated criteria during the Project implementation phase, should the Project be approved. If carbon offsets from projects located in the County of San Diego are available at that time, they must be pursued first, under the Mitigation Measures' "Locational Performance Standards." As such, a benefit of implementing Mitigation Measures M-GCC-7 and M-GCC-8 concurrent with grading and building permit applications, respectively, is that they temporally allow for continued maturation of the carbon offsets market in the County over the course of Project build-out *and* require the use of carbon offsets from such projects should they come online.

As for the specific Cuyamaca Rancho State Park Reforestation offset project (CAR505) mentioned in the comment, no offset credits have been registered with the Climate Action Reserve for that project. As such, it is not currently eligible for use under Mitigation Measures M-GCC-7 and M-GCC-8.

Additional relevant information also is discussed under the "Availability of Carbon Offsets" heading in Global Response R1: Carbon Offsets. As explained therein, the County has determined that it "believes sufficient carbon offsets are available for use within the CEQA context," based upon its review of the Climate Action Reserve's, American Carbon Registry's and Verra's history of registering offset projects and issuing certified offset credits. The County further explained, in Global Response R1, that the development of offset projects is influenced by market demand, which itself is driven by environmental protection policies and objectives. As a result, carbon offset reduction activities that comport with the performance standards of Mitigation Measures M-GCC-7 and M-GCC-8 are expected to be undertaken in the County of San Diego.

### *Risk of Offset Reversal Due to Wildfire and Other Causes*

The commenter expresses concern regarding the ability of carbon offsets to sequester carbon dioxide emissions for a sufficient period of time, given California's wildfire activity and the potential for forests to burn, as well as drought and flooding.

In response, the forestry protocols contained in Mitigation Measure M-GCC-7 Attachment "A" are designed to conservatively quantify project effectiveness and compensate for the undesired reversal of emission sequestration through the establishment of mechanisms that provide replacement credits in the event of causes including natural disturbances, such as (but not limited to) wildfires, wind storms, pest infestations and disease outbreaks.

As to the conservatism of the quantification parameters used to determine the effectiveness of forestry projects, Section 1.2 (Reserve Program Principles) of the Reserve Offset Program Manual, a copy of which is located in Mitigation Measure M-GCC-7 Attachment "A," Part 1 of 3: Climate Action Reserve,<sup>5</sup> requires that "[m]ethods for quantifying emission reductions should be conservative to avoid overstating a project's effects." Similarly, Section 2.2 (GHG Accounting Principles) of the Reserve Offset Program Manual states:

Conservative assumptions, values, and procedures should be used to ensure that GHG reductions are not over-estimated. Reserve protocols employ conservative estimation methods whenever data and assumptions are uncertain and measures to reduce uncertainty would be impractical.

The Reserve's Forest Project Protocol, a copy of which is located in Attachment "A," Part 1 of 3, adheres to these principles and identifies multiple quantification parameters designed to ensure conservatism.

On the subject of unanticipated reversals, and as more specifically described in Global Response R1: Carbon Offsets:

Recognizing that unanticipated events are possible, and in order to ensure permanency, registries maintain a number of un-retired carbon offsets in a separate "buffer pool" that can be used in the event that a previously implemented reduction is reversed. Continuing with the forestry example, offsets from a buffer pool could be used to replace reductions lost due to fire. Attachment GR.R1.1 of these Responses to Comments contains additional information regarding how each registry's "buffer pool" ensures the permanency of the offsets it issues.

The referenced "Registry-Administered Buffer Pools and Similar Programs" document in Attachment GR.R1.1 contains related information that is responsive to the commenter's concern. As explained therein, the registries "maintain un-retired carbon offsets in a separate pool or reserve that are used in the unanticipated event that a GHG reduction that was previously implemented is

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<sup>5</sup> Mitigation Measure M-GCC-7 Attachment "A," Part x of 3: [registry name] is referred to in the balance of this response document as Attachment "A," Part x of 3.



reversed.” The buffer pool essentially operates as an insurance mechanism, and the buffer pool offsets serve as substitute, replacement offsets in the event of offset project failure. The Climate Action Reserve’s Forest Project Protocol, for example, requires every forestry project implemented pursuant to its parameters to conduct a project-specific risk evaluation that informs the registry’s determination regarding how many offsets the project must contribute to the buffer pool. The Reserve’s Forest Project Protocol requires the forestry project to evaluate multiple types of risks of offset failure, including those attributable to natural disturbance, which expressly include wildfire and other episodic catastrophic events, such as flooding and drought. For further information, also see Section 2.8 (Ensuring Permanence of GHG Reductions) of the Reserve Offset Program Manual and Section 7 (Ensuring the Permanence of Credited GHG Reductions and Removals) of the Forest Project Protocol, copies of which are located in Attachment “A,” Part 1 of 3.

In summary, the registries’ program manuals, protocols and methodologies require the utilization of conservative quantification parameters, address the potential reversal of carbon sequestration from forestry projects resulting from wildfire, and contain mechanisms to ensure the replacement of released carbon with substitute offsets. As a result, there is little to no risk of an unaddressed reversal such that the use of carbon offsets generated under forestry project protocols is supported by substantial evidence. In any event, the County has employed conservative assumptions to estimate Project-related emissions that will likely result in the Project purchasing excess offsets, and the County would maintain enforcement authority, as discussed below.

#### *Implementation Mechanics and Enforcement of the Carbon Offsets Mitigation Measures*

The commenter raises concerns regarding deferred mitigation, and makes a number of related inquiries regarding the implementation mechanics of Mitigation Measures M-GCC-7 and M-GCC-8. In response, the County refers the commenter to the “Reporting and Enforcement Standards” in the referenced Mitigation Measures and Mitigation Measure M-GCC-7 Attachment “B,” which contains an itemized timeline and flowchart for the County’s review of carbon offsets submittals during the Project implementation phase (should the Project be approved). The County emphasizes that, in the event that the Project Applicants do not procure satisfactory carbon offsets that accord to the specific requirements of Mitigation Measures M-GCC-7 and M-GCC-8, Project-related grading and building permits will not be issued and no GHGs will be emitted. In other words, the Mitigation Measures are designed to ensure that the mitigation is implemented and accomplished *prior* to generation of GHG emissions.

Additionally, both Mitigation Measures M-GCC-7 and M-GCC-8 are structured to provide express County authority to pursue enforcement against the Project Applicants in the event of evidence showing failure of a carbon offset project and/or the reversal of its GHG emissions reduction. Each measure provides that “the County has authority to hold the Project Applicants accountable and to take appropriate corrective action if the County determines that any carbon offsets do not comply with the requirements set forth in this mitigation measure.” As more specifically articulated in the Mitigation Measures’ “Reporting and Enforcement Standards”:

If the County determines that the Project’s carbon offsets do not meet the requirements of this mitigation measure, the offsets cannot be used to reduce

Project GHG emissions and Project permits shall not be issued. Additionally, the County may issue a notice of non-consistency and cease permitting activities in the event that the County determines the carbon offsets provided to reduce Project GHG emissions are not compliant with the aforementioned standards. In the event of such an occurrence, Project permitting activities shall not resume until the Project Applicants have demonstrated that the previously provided carbon offsets are compliant with the standards herein *or* have provided substitute carbon offsets achieving the standards of this mitigation measure in the quantity needed to achieve the required emission reduction.

Please also refer to the responses to the Sierra Club’s September 18, 2020 comment letter; those responses illustrate additional refinements to the “Reporting and Enforcement Standards” in Mitigation Measures M-GCC-7 and M-GCC-8 that have been made to clarify the County’s authority and process for overseeing the permanence and enforceability of the GHG emission reductions attributable to carbon offsets retired for the Project.

### *30-Year Project Life/Mitigation Period for Operational GHG Emissions*

As for the comment’s questions regarding the mitigation period for operational emissions addressed by Mitigation Measure M-GCC-8, the multi-pronged substantial evidence supporting the 30-year mitigation period set forth therein is discussed under the “Duration of Mitigation Obligation” heading in Global Response R1: Carbon Offsets. The mitigation period is measured from building permit issuance; therefore, and for example, if a building permit for a single-family residence is issued in 2025, the emissions reduction obligation is calculated by multiplying that residence’s emissions times 30 years, such that the quantity of carbon offsets required would cover operational emissions from that residence from 2025 through 2054.

Notably, the Project’s emissions inventory presented in the EIR is structured to deploy a conservative, static set of assumptions regarding the Project’s emissions stream. For example, the Project EIR assumes that the emissions estimated for the build-out year will be unchanged for the entire 30-year period and not reduced by intervening regulations. An example of such reductions from regulations includes those anticipated to flow from Governor Newsom’s recently issued Executive Order N-79-20, which sets a goal for 100 percent of in-State sales of new passenger cars and trucks to be zero emission by 2035<sup>6</sup> — a goal that once implemented via regulation will beneficially reduce the Project’s mobile source emissions during its lifetime. This approach is conservative because it is generally accepted that the State of California will deploy additional GHG reduction measures and policies for the achievement of its statewide reduction targets, including those included in Executive Order B-55-18. Another example of the conservatism in the Project’s GHG inventory over the 30-year mitigation period flows from the omission of any credit being taken for the State’s attainment of carbon-free electricity resources by 2045 under SB 100 (2018).

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<sup>6</sup> Executive Order N-79-20 is available at <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>.

It also is noted that many aspects of the Project's built environment would be renovated over time, thereby continuing to facilitate further advancements in energy efficiency and emissions reduction. For example, the Project's residences likely will be remodeled with newer and more efficient appliances and HVAC systems within the 30-year period. Similarly, passenger vehicles turn over and are replaced, on average, in less than 30 years. As the largest component of the Project's emissions profile, this vehicle turnover will beneficially reduce the Project's emissions as vehicles become more efficient, both with respect to engine design and fuel composition.

### *County Review of Protocols and Methodologies*

The commenter requests additional information regarding how the County determined that the protocols and methodologies included in Mitigation Measure M-GCC-7 Attachment "A" are appropriate.

In response, when preparing the "Additional Information Regarding Carbon Offset Protocols for Greenhouse Gas Emission Reduction for Otay Ranch Resort Village (Village 13)" documentation posted for public disclosure and public comment, the County reviewed the protocols and methodologies in Attachment "A" for compliance with the numerous performance criteria contained in the "Carbon Offset Standards – Eligible Registries, Acceptable Protocols and Defined Terms" in Mitigation Measures M-GCC-7 and M-GCC-8. For example, and as articulated more fully in the Mitigation Measures, that evaluation included confirming that the protocols and methodologies included in Attachment "A":

- ✓ Adhere to established GHG accounting principles;
- ✓ Follow a transparent public and expert stakeholder review process that affords an opportunity for comment and is informed by science;
- ✓ Incorporate standardized offset crediting parameters;
- ✓ Establish data collection and monitoring procedures;
- ✓ Include mechanisms to ensure permanency in reductions;
- ✓ Address additionality and geographic boundary provisions;
- ✓ Accord to each registry's program manual; and,
- ✓ Include standards designed to achieve additional, real, permanent, quantifiable, verifiable and enforceable reductions.

As provided in the "Preface" to Attachment "A":

The County of San Diego has reviewed and determined that the protocols and methodologies included in Attachment "A" establish and require carbon offset projects to comply with standards designed to achieve additional, real, permanent, quantifiable, verifiable and enforceable reductions. In making this determination, the County reviewed the registries' program manuals, the registries' websites (which provide additional background information on each protocol and methodology, including comments from interested members of the public and experts in the field), and the registries' protocols and methodologies included herein.

As also explained in the “Reader’s Guide” that accompanied the additional carbon offset information, “Attachment ‘A’ identifies the carbon offset protocols and methodologies, developed and used by these three registries, which the County proposes to be eligible for use when reducing greenhouse gas emissions pursuant to M-GCC-7 and M-GCC-8.” The objective of the public disclosure and public comment period on the Attachment “A” protocols proposed by the County for the Village 13 Project’s carbon offsets mitigation framework was to provide an opportunity for interested members of the public to review and provide feedback on the County’s selected Attachment “A” protocols. The comment does not raise any specific issue or concern with those protocols, such that no further response can be provided.

## **Response to Endangered Habitats League Comment Letter (9-18-2020)**

### ***Effectiveness and Enforceability of Carbon Offsets***

#### ***County Enforcement***

The commenter suggests that the County of San Diego is proposing to rely too heavily on the Climate Action Reserve, American Carbon Registry and Verra to “evaluate, oversee, and enforce” the requirements of the carbon offset protocols and methodologies included in Mitigation Measure M-GCC-7 Attachment “A.” In response, CEQA Guidelines Section 15126.4(a)(1)-(2) provides that an EIR shall describe “feasible measures which could minimize significant adverse impacts,” and ensure that such measures are “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” Section 15126.4(c)(3)-(4) more specifically provides that measures to mitigate the significant effects of GHG emissions may include “[o]ff-site measures, including offsets that are not otherwise required” and “[m]easures that sequester greenhouse gases.” In this instance, and as discussed further below, the County is recommending that one portion of the Village 13 Project’s mitigation portfolio for GHG emissions include the utilization of carbon offsets. Implementation of Mitigation Measures M-GCC-7 and M-GCC-8 would be required by the Project’s Conditions of Approval and Mitigation Monitoring and Reporting Program. The County also refers to the “Reporting and Enforcement Standards” in Mitigation Measures M-GCC-7 and M-GCC-8, as well as the implementation timeline and flowchart in Mitigation Measure M-GCC-7 Attachment “B.” As shown in Attachment “B,” the County has designed these mitigation measures to require the active engagement of the County, as the CEQA lead agency with monitoring and enforcement responsibilities, during the Project implementation phase, should it be approved by the decision-making body (the Board of Supervisors).

The County emphasizes that, in the event that the Project Applicants do not procure satisfactory carbon offsets that accord to the specific requirements of Mitigation Measures M-GCC-7 and M-GCC-8, Project-related grading and building permits will not issue and no GHGs will be emitted. In other words, the Mitigation Measures are designed to ensure that the mitigation is implemented and accomplished *prior* to generation of GHG emissions.

Additionally, both Mitigation Measures M-GCC-7 and M-GCC-8 are structured to provide express authority to the County to pursue enforcement against the Project Applicants in the event of evidence showing failure of a carbon offset project and/or the reversal of its GHG emissions reduction. Each measure provides that “the County has authority to hold the Project Applicants accountable and to take appropriate corrective action if the County determines that any carbon offsets do not comply with the requirements set forth in this mitigation measure.” As more specifically articulated in the Mitigation Measures’ “Reporting and Enforcement Standards”:

If the County determines that the Project’s carbon offsets do not meet the requirements of this mitigation measure, the offsets cannot be used to reduce Project GHG emissions and Project permits shall not be issued. Additionally, the County may issue a notice of non-consistency and cease permitting activities in the event that the County determines the carbon offsets provided to reduce Project GHG emissions are not compliant with the aforementioned standards. In the event

of such an occurrence, Project permitting activities shall not resume until the Project Applicants have demonstrated that the previously provided carbon offsets are compliant with the standards herein *or* have provided substitute carbon offsets achieving the standards of this mitigation measure in the quantity needed to achieve the required emission reduction.

Please also refer to the responses to the Sierra Club’s September 18, 2020 comment letter; those responses illustrate additional refinements to the “Reporting and Enforcement Standards” in Mitigation Measures M-GCC-7 and M-GCC-8 that have been made to clarify the County’s authority and process for overseeing the permanence and enforceability of the GHG emission reductions attributable to carbon offsets retired for the Project.

In the CEQA context, the County’s utilization of an emissions reduction framework developed and implemented by third parties with County enforcement and reporting requirements is analogous to the use of agricultural or biological mitigation banks, where the purchase of credits is linked to a reasonable plan for mitigation, or conservation easement programs. The County has, however, gone further in Mitigation Measures M-GCC-7 and M-GCC-8 to provide for “Carbon Offset Standards,” “Locational Performance Standards,” and “Reporting and Enforcement Standards” to ensure that appropriate action is taken in the event the County determines that any carbon offsets do not comply with mitigation requirements.

In addition to County implementation and enforcement, oversight by the registries is particularly robust where each of the registries is overseen by governing boards with diverse, representative experience. By way of example, the Climate Action Reserve’s current Board of Directors is comprised of the following individuals, many of whom have been key leaders in the development and administration of the State of California’s climate change policies<sup>7</sup>:

<b>Climate Action Reserve Advisory Board</b>	<b>Climate Action Reserve Governing Board</b>
Right Honorable Kim Campbell Canada’s 19th Prime Minister	Linda Adams, Chair Former Secretary for Environmental Protection, California Environmental Protection Agency
Hon. Gray Davis Former Governor, State of California	Gary Gero, Vice Chair Chief Sustainability Officer, County of Los Angeles
Hon. Fran Pavley Former California State Senator	Peter M. Miller, Secretary Director, Western Region, Climate & Clean Energy Program
Diane Wittenberg Founding President, California Climate Action Registry	Natural Resources Defense Council

<sup>7</sup> For information on the American Carbon Registry’s governing board, please see <https://americancarbonregistry.org/about-us/team> and <https://www.winrock.org/bios/>. For information on Verra’s governing board, please see <https://verra.org/about-verra/board-of-directors/>.

Climate Action Reserve Advisory Board	Climate Action Reserve Governing Board
Ed Begley, Jr. Actor and environmental activist	Jeffrey Kightlinger, Treasurer General Manager, Metropolitan Water District of Southern California  Jan Schori, Audit Committee Chair Retired General Manager, Sacramento Municipal Utility District  Steve Corneli, Nominating Committee Chair Clean Energy Advisor  Teveia Barnes Former Executive Director, California Infrastructure and Economic Development Bank  Peter Liu Managing Director, Clean Energy Advantage Partners  Heather O'Neill President, Advanced Energy Economy  Tim Profeta Director, Nicholas Institute for Environmental Policy Solutions Assoc Prof of the Practice at the Sanford School of Public Policy at Duke University  Dr. Stephan Schwartzman Senior Director, Tropical Forest Policy Environmental Defense Fund  Katie Sullivan Managing Director, IETA
Source: <a href="http://www.climateactionreserve.org/about-us/board-of-directors/">http://www.climateactionreserve.org/about-us/board-of-directors/</a>	

In sum, the County has not blindly endorsed the use of carbon offsets issued by the three registries, but rather has undertaken a detailed review of the registries' frameworks and educated itself as to the standards necessary to ensure the environmental integrity of carbon offsets used for CEQA mitigation purposes. The County has provided detailed enforcement and reporting requirements, and demonstrated a commitment to achieving the mitigation set forth in Mitigation Measures M-GCC-7 and M-GCC-8. Substantial evidence supports the County's conclusion the revised measures will ensure "no net increase" in GHG emissions.

#### *Over-Crediting of Carbon Offsets*

The commenter states that Mitigation Measures M-GCC-7 and M-GCC-8 "fail to incorporate standards adequate to ensure that carbon credits purchased from three identified registries will effectively and enforceably offset 100 percent of the greenhouse gas emissions that would result

from construction and operation of the Project.” To support this assessment, the commenter references a document attached to its letter authored by Dr. Barbara Haya. As described by Dr. Haya, the registries recognized in Mitigation Measures M-GCC-7 and M-GCC-8 develop protocols and methodologies that result in the “over-crediting” of offset projects, which Dr. Haya primarily attributes to flawed approaches to determining additionality.

In response, the protocols and methodologies contained in Mitigation Measure M-GCC-7 Attachment “A” are designed to conservatively quantify project effectiveness. For example, Section 1.2 (Reserve Program Principles) of the Reserve Offset Program Manual, a copy of which is located in Attachment “A,” Part 1 of 3, requires that “[m]ethods for quantifying emission reductions should be conservative to avoid overstating a project’s effects.” Similarly, Section 2.2 (GHG Accounting Principles) of the Reserve Offset Program Manual states:

Conservative assumptions, values, and procedures should be used to ensure that GHG reductions are not over-estimated. Reserve protocols employ conservative estimation methods whenever data and assumptions are uncertain and measures to reduce uncertainty would be impractical.

The American Carbon Registry Standard, a copy of which is located in Attachment “A,” Part 2 of 3, similarly requires the use of “conservative assumptions, values, and procedures to ensure that GHG emission reductions or removal enhancements are not overestimated.” Verra’s Program Guide, a copy of which is located in Attachment “A,” Part 3 of 3, contains similar language to ensure the integrity of carbon offsets issued under its methodologies.

Furthermore, each of the three registries set forth specific standards for determining additionality in their program manuals and the project type-specific protocols and methodologies. Section 2.4.1 (Additionality Determinations) of the Reserve Offset Program Manual (see Attachment “A,” Part 1 of 3) addresses the Climate Action Reserve’s approach to determining additionality and emphasizes that “[t]he Reserve strives to establish rigorous standards for additionality that serve to exclude the vast majority of non-additional projects.” Similarly, Chapter 4: Additionality of The American Carbon Registry Standard (see Attachment “A,” Part 2 of 3) addresses that registry’s framework for additionality determinations and explains that the framework is “intended to ensure that credited offsets exceed the GHG reductions and removals that would have occurred under current laws and regulations, current industry practices, and without carbon market incentives.” Finally, Verra addresses the subject in Section 3.13 (Additionality) of its VCS Standard (see Attachment “A,” Part 3 of 3), underscoring that “[a]dditionality is an important characteristic of GHG credits ... because it indicates that they represent a net environmental benefit and a real reduction of GHG emissions, and can thus be used to offset emissions.” In sum, each of the registries recognizes the import of the additionality determination and establishes measurable standards for determining whether an individual offset project’s reductions would, in fact, be additional and beyond business-as-usual practice.

The registries’ protocols and methodologies also establish quantification standards for an offset project’s emissions baseline, which measures the “GHG emissions from sources within the GHG Assessment Boundary that would have occurred in the absence of the project (assuming the project is additional and would not have happened anyway).” (Section 2.6 [Quantifying GHG Reductions])



of the Reserve Offset Program Manual, a copy of which is located in Attachment “A,” Part 1 of 3.) The Climate Reserve, for example, typically uses standardized baseline parameters that are “developed by considering broad trends (economic, technological, regulatory, and policy) in the industry or sector relevant to a project type and determining what future ‘business as usual’ alternative activities are likely to be. To develop standardized baselines, the Reserve works with stakeholders to determine the most likely alternative technologies or practices.” (Section 2.6.2 [Estimating Baseline Emissions] of the Reserve Offset Program Manual, a copy of which is located in Attachment “A,” Part 1 of 3.) The standards put in place by the registries to govern the calculation of baseline emissions help to avoid against the “over-crediting” concerns of Dr. Haya by setting a conservative benchmark for measuring an offset project’s incremental emissions reduction or sequestration.

The registries relatedly protect against Dr. Haya’s “leakage” concerns, in order to minimize the potential for over-crediting. For example, the Climate Action Reserve has explained that it protects against leakage by requiring comprehensive GHG assessment boundaries that account for all GHG sources, sinks, and reservoirs that should be taken into consideration when calculating the total net change in GHG emissions resulting from an offset project. (See Section 2.5.2 [Leakage Accounting] of the Reserve Offset Program Manual, a copy of which is located in Attachment “A,” Part 1 of 3.) The American Carbon Registry similarly requires offset project developers to “deduct leakage that reduces the GHG emissions reduction and/or removal benefit of a project in excess of any applicable threshold specified in the methodology.” (Chapter 3 [Project Eligibility Requirements] of The American Carbon Registry Standard, a copy of which is located in Attachment “A,” Part 2 of 3.) Verra also requires consideration of leakage, specifying the “[m]ethodologies shall establish procedures to quantify leakage, where the potential for leakage is identified, as projects may otherwise overestimate their net emission reductions and/or removals.” (Section 3.7 [Leakage] of Methodology Requirements, a copy of which is located in Attachment “A,” Part 3 of 3.)

In summary, while Dr. Haya may have different ideas regarding how to establish crediting parameters for carbon offsets, substantial evidence shows that the registries work towards avoidance of over-crediting through their promulgation of additionality tests, baseline parameters, and leakage standards in their protocols and methodologies.

#### *Linkage to Clean Development Mechanism*

Dr. Haya also is critical of the use of information in some of the Mitigation Measure M-GCC-7 Attachment “A” protocols and methodologies that references or relies on information, tools, or methodologies established by certain Clean Development Mechanism (CDM) protocols or methodologies. The comments, however, do not identify any specific protocol or methodology that Dr. Haya believes relies too heavily on CDM information, or identify any alleged flaws in the specific information, tool, or methodology in the Attachment “A” protocols and methodologies. This limits the County’s ability to respond.

While some CDM-linked information is discussed in the Attachment “A” protocols and methodologies, the Climate Action Reserve, American Carbon Registry and Verra protocols and methodologies included in Attachment “A” are the culmination of independent processes and

development. That those protocols and methodologies may be based on some CDM-linked information is not an indisputable sign of insufficiency, particularly as each of these three registries (not CDM) independently evaluates whether the additionality standard has been met for each offset project. Colloquially, there is no reason to throw the baby out with the bathwater where such information has been independently reviewed and developed, and incorporated only if it meets the high standards of adequacy and accuracy established by the Climate Action Reserve, American Carbon Registry, and Verra.

Each of the registries adopts protocols following extensive vetting through workgroups comprised of technical and subject matter experts. (See the “Registry-Administered Protocol/Methodology Development Processes” document in Attachment GR.R1.1.) For example, the workgroup for Climate Action Reserve’s Forest Project Protocol includes the following members, many of whom are affiliated with federal and state agencies and recognized environmental protection organizations:

Connie Best, The Pacific Forest Trust  
Dave Bischel, California Forestry Association  
Louis Blumberg, The Nature Conservancy  
Steve Brink, California Forestry Association  
Ann Chan, The Pacific Forest Trust  
Florence Daviet, World Resources Institute  
George Gentry, California Board of Forestry  
Bruce Goines, United States Forest Service  
Katie Goslee, Winrock International  
Greg Giusti, University of California Extension  
Sterling Griffin, Scientific Certification Systems  
Caryl Hart, California State Parks  
Eric Holst, Environmental Defense Fund  
Robert Hrubes, Scientific Certification Systems  
Nick Martin, Winrock International

Ed Murphy, Sierra Pacific Industries  
Mark Nechodom, United States Forest Service  
Jeanne Panek, California Air Resources Board  
Michelle Passero, The Nature Conservancy  
Tim Pearson, Winrock International  
Tim Robards, California Department of Forestry and Fire Protection  
Emily Russell Roy, The Pacific Forest Trust  
Bob Rynearson, W.M Beaty & Associates  
Gary Rynearson, Green Diamond Resources  
Jayant Sathaye, University of California, Berkeley  
Kimberly Todd, United States Environmental Protection Agency  
Doug Wickizer, California Department of Forestry and Fire Protection

Further, while Mitigation Measures M-GCC-7 and M-GCC-8 do not permit the purchase of carbon offsets generated under a CDM offset protocol, it is noted that CDM remains an operating arm for implementation of the Kyoto Protocol.

### *Critique of Forestry Projects*

Many of Dr. Haya’s comments focus on the protocols and methodologies for forestry projects. In doing so, Dr. Haya references a critique that she authored regarding the California Air Resources Board’s (CARB) forestry protocol for the Cap-and-Trade Program. The County notes that CARB evaluated and responded to Dr. Haya’s critique, and determined that no changes to its forestry protocol were warranted. A copy of CARB’s evaluation is included in Attachment GR.R1.1 – see CARB’s “U.S. Forest Offsets Project” presentation (dated May 30, 2019). As more specifically discussed on presentation slides 19 through 24, CARB determined that Dr. Haya’s critique misrepresented how leakage is accounted for and monitored in the forestry protocol, as well as

how crediting is conducted for forestry projects. On the subject of leakage, CARB concluded that its forestry protocol conservatively accounts for leakage by considering both activity- and market-shifting leakage. CARB also distinguished the studies cited by Dr. Haya because they were focused on the leakage effects attributable to conservation forestry, which severely restricts or eliminates harvesting and causes unmet demand for timber or wood products to be met by other forests. CARB's protocol, on the other hand, requires an increase in carbon storage in trees but places no additional restrictions on harvest volumes beyond what is already legally permissible, thereby minimizing the propensity for leakage. Please see Attachment GR.R1.1 for additional responsive information prepared by CARB following receipt of Dr. Haya's critique.

The County provides this information while noting that Dr. Haya's referenced critique is not directly applicable to the Village 13 Project, because the Attachment "A" protocols and methodologies do not include CARB's compliance offset protocol for forestry projects, for the reasons discussed in Global Response R1: Carbon Offsets. However, the protocols contain many similarities. Therefore, the County relatedly notes that, in December 2018, Dr. Haya submitted comments on the then-draft version 5.0 of the Climate Action Reserve's forestry protocol that focused on many of the same leakage-related concerns that she expressed regarding CARB's forestry protocol. Dr. Haya's comments and the Climate Action Reserve's responses, which explain why the framework established achieves conservative accounting standards for GHG reduction, are publicly available, and were considered by the Reserve's Board prior to rendering a final decision on the protocol.<sup>8</sup>

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<sup>8</sup> Please see <https://www.climateactionreserve.org/how/protocols/forest/dev/>, which contains links to Dr. Haya's December 2018 comments on the forestry protocol and the Climate Action Reserve's responses to same.

## **Response to Lesley Handa Comment Letter (9-17-2020)**

### *Risk of Offset Reversal Due to Wildfire*

The commenter expresses concern regarding the ability of carbon offsets to sequester carbon dioxide emissions for a sufficient period of time, given California's wildfire activity and the potential for forests to burn.

In response, the forestry protocols contained in Mitigation Measure M-GCC-7 Attachment "A" are designed to conservatively quantify project effectiveness and compensate for the undesired reversal of emission sequestration through the establishment of mechanisms that provide replacement credits in the event of wildfire.

As to the conservatism of the quantification parameters used to determine the effectiveness of forestry projects, Section 1.2 (Reserve Program Principles) of the Reserve Offset Program Manual, a copy of which is located in Attachment "A," Part 1 of 3, requires that "[m]ethods for quantifying emission reductions should be conservative to avoid overstating a project's effects." Similarly, Section 2.2 (GHG Accounting Principles) of the Reserve Offset Program Manual states:

Conservative assumptions, values, and procedures should be used to ensure that GHG reductions are not over-estimated. Reserve protocols employ conservative estimation methods whenever data and assumptions are uncertain and measures to reduce uncertainty would be impractical.

The Reserve's Forest Project Protocol, a copy of which is located in Attachment "A," Part 1 of 3, adheres to these principles and identifies multiple quantification parameters designed to ensure conservatism.

On the subject of unanticipated reversals, and as more specifically described in Global Response R1: Carbon Offsets:

Recognizing that unanticipated events are possible, and in order to ensure permanency, registries maintain a number of un-retired carbon offsets in a separate "buffer pool" that can be used in the event that a previously implemented reduction is reversed. Continuing with the forestry example, offsets from a buffer pool could be used to replace reductions lost due to fire. Attachment GR.R1.1 of these Responses to Comments contains additional information regarding how each registry's "buffer pool" ensures the permanency of the offsets it issues.

The referenced "Registry-Administered Buffer Pools and Similar Programs" document in Attachment GR.R1.1 contains related information that is responsive to the commenter's concern. As explained therein, the registries "maintain un-retired carbon offsets in a separate pool or reserve that are used in the unanticipated event that a GHG reduction that was previously implemented is reversed." The buffer pool essentially operates as an insurance mechanism and the buffer pool offsets serve as substitute, replacement offsets in the event of offset project failure. The Climate Action Reserve's Forest Project Protocol, for example, requires every forestry project

implemented pursuant to its parameters to conduct a project-specific risk evaluation that informs the registry's determination regarding how many offsets the project must contribute into the buffer pool. The Reserve's Forest Project Protocol requires the forestry project to evaluate multiple types of risks of offset failure, including those attributable to wildfire. For further information, also see Section 2.8 (Ensuring Permanence of GHG Reductions) of the Reserve Offset Program Manual and Section 7 (Ensuring the Permanence of Credited GHG Reductions and Removals) of the Forest Project Protocol, copies of which are located in Attachment "A," Part 1 of 3.

In summary, the registries' program manuals, protocols and methodologies require the utilization of conservative quantification parameters, address the potential reversal of carbon sequestration from forestry projects resulting from wildfire and contain mechanisms to ensure the replacement of released carbon with substitute offsets. As a result, the use of carbon offsets generated under forestry project protocols is supported by substantial evidence.

### *Executive Order B-55-18*

The commenter references Executive Order B-55-18 and asks whether the 30-year mitigation period set forth in Mitigation Measure M-GCC-8 is consistent with that Executive Order.

In response, as discussed in EIR Subchapter 2.10, Global Climate Change, Executive Order B-55-18 was issued in September 2018 by former Governor Brown and established a new statewide goal "to achieve carbon neutrality as soon as possible, and not later than 2045, and achieve and maintain net negative emissions thereafter." The Executive Order relatedly directed the California Air Resources Board (CARB) to "work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal."

To date, CARB has hosted a series of workshops regarding the State's carbon neutrality goal,<sup>9</sup> but has not yet adopted an updated Scoping Plan that identifies and recommends measures for achievement of that goal. As described by CARB during its most recent carbon neutrality workshop on August 19, 2020, there are two steps to California's achievement of carbon neutrality:

- ✓ Step 1: Strive for zero emissions from all sources
- ✓ Step 2: Maximize sequestration<sup>10</sup>

CARB is planning to adopt a Scoping Plan establishing California's carbon neutrality framework in late summer 2022.<sup>11</sup>

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<sup>9</sup> For a list of CARB's carbon neutrality workshops, please see <https://ww2.arb.ca.gov/our-work/programs/carbon-neutrality/carbon-neutrality-meetings-workshops>.

<sup>10</sup> See Slide 4 of CARB's workshop presentation available at [https://ww2.arb.ca.gov/sites/default/files/2020-08/carb\\_cn\\_report\\_aug2020.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-08/carb_cn_report_aug2020.pdf).

<sup>11</sup> See Slide 5 of CARB's workshop presentation available at [https://ww2.arb.ca.gov/sites/default/files/2020-08/carb\\_cn\\_report\\_aug2020.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-08/carb_cn_report_aug2020.pdf).

Pending CARB's adoption of its Scoping Plan, the State of California continues to pursue policies that will complement and support CARB's carbon neutrality planning. For example, Governor Newsom's recently issued Executive Order N-79-20, which sets a goal for 100 percent of in-State sales of new passenger cars and trucks to be zero emission by 2035, aligns with the goal of Executive Order B-55-18 by addressing California's single largest sector (i.e., transportation) of GHG emissions.<sup>12</sup> CARB's enactment of implementing regulations for achievement of Executive Order N-79-20's goals would directly and beneficially reduce the Project's GHG emissions by contributing to the transition of the State's passenger vehicle fleet from combustion-based engines to zero emissions technology.

Based on the available information, the County has determined that Mitigation Measure M-GCC-8's 30-year mitigation period is supported by substantial evidence and is consistent with Executive Order B-55-18. The multi-pronged substantial evidence supporting the mitigation period is discussed under the "Duration of Mitigation Obligation" heading in Global Response R1: Carbon Offsets. Additionally, consistency with Executive Order B-55-18 is established by the Village 13 Project's mitigation framework, which is designed to ensure that Project implementation results in no net increase in the existing GHG emissions level. This overall approach to the mitigation of operational emissions via carbon offsets is consistent with CEQA's mitigation principles of proportionality and nexus, and constitutes the Project's "fair share" of emission reductions.<sup>13</sup>

#### *Carbon Offset Availability*

The commenter asks whether a sufficient quantity of carbon offsets is available from projects located in the County of San Diego and State of California to meet the Village 13 Project's mitigation demand.

In response, at present time, a sufficient quantity of carbon offsets from projects located in the County of San Diego and State of California does not presently exist to meet the offset demand of the Village 13 Project. (A sufficient quantity of carbon offsets is currently available from locations within the broader geographic spectrum of the United States.) Notably, Mitigation Measures M-GCC-7 and M-GCC-8 require the Village 13 Project Applicants to submit market survey reports studying carbon offset market conditions no later than the time of grading permit and building permit application. These market survey reports must be prepared by carbon offset brokers with a minimum of 10 years of experience assisting with transactions in emissions markets; identify the carbon registry listings reviewed for carbon offset availability; and, identify the geographic attributes of carbon offsets that are offered for sale and available for retirement. As such, the geographic availability of carbon offsets will be shown per articulated criteria during the Project implementation phase, should the Project be approved. If carbon offsets from projects located in the County of San Diego and State of California are available at that time, they must be pursued

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<sup>12</sup> Executive Order N-79-20 is available at <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>.

<sup>13</sup> The County also notes that many of the mitigation measures impose emission reduction strategies that are built into the very design of the community and its residences and non-residential development areas; such design-based reduction strategies are not temporally based.

first, under the Mitigation Measures’ “Locational Performance Standards.” As such, a benefit of implementing Mitigation Measures M-GCC-7 and M-GCC-8 concurrent with grading and building permit applications, respectively, is that they temporally allow for continued maturation of the carbon offsets market in the County and State over the course of Project build-out *and* require the use of carbon offsets from such projects should they come online.

Additional relevant information also is discussed under the “Availability of Carbon Offsets” heading in Global Response R1: Carbon Offsets. As explained therein, the County has determined that it “believes sufficient carbon offsets are available for use within the CEQA context,” based upon its review of the Climate Action Reserve’s, American Carbon Registry’s and Verra’s history of registering offset projects and issuing certified offset credits. The County further explained, in Global Response R1, that the development of offset projects is influenced by market demand, which itself is driven by environmental protection policies and objectives. As a result, carbon offset reduction activities that comport with the performance standards of Mitigation Measures M-GCC-7 and M-GCC-8 are expected to be undertaken in the County of San Diego and State of California.

## Response to Sierra Club Comment Letter (9-18-2020)

### *Enforceability of Performance Standards in Mitigation Measures M-GCC-7 and M-GCC-8*

The commenter questions the ability of the performance standards in Mitigation Measures M-GCC-7 and M-GCC-8 to achieve meaningful emission reductions due to concerns regarding the permanency, verifiability, and additionality of carbon offsets sourced from “voluntary registries.”<sup>14</sup> Each of these concerns is addressed below.

The County also preliminarily refers the commenter to EIR Attachment GR.R1.1, which contains a recent article published by the Association of Environmental Professionals’ climate change committee members, regarding the effectiveness of carbon offsets as CEQA mitigation. The article was co-authored by nine environmental practitioners and planners with extensive experience in the analysis and mitigation of air quality and GHG impacts in the context of CEQA. As concluded by these committee members, carbon offsets “meet all the standards that CEQA demands of valid mitigation measures” when the offsets are “created through robust accounting protocols, subject to third-party review and verification, and contingent upon ongoing monitoring and enforcement.” This article contains useful, reader-friendly information regarding the creation of carbon offsets and the attributes of offsets administered by registries, serving to demonstrate that carbon offsets fit well within the framework for mitigation established by CEQA.

### *Permanency of GHG Reductions*

The commenter states that the County “fails to *actually revise* its mitigation measure here to ensure permanency because it continues to allow offsets outside of the County and state through voluntary registries.” (Emphasis in original.) In response, the County agrees with the commenter’s focus on the importance of achieving permanent GHG reductions. Indeed, this is why Mitigation Measures M-GCC-7 and M-GCC-8 have been revised to specifically define “permanent” and require the use of protocols and methodologies that achieve permanent reductions.

The County does not agree that the utilization of offsets outside of the County’s jurisdictional boundaries precludes the County’s ability to ensure the permanency of the carbon offsets retired to reduce the Village 13 Project’s GHG emissions. As further clarified through the proposed refinement below to the Mitigation Measures’ “Reporting and Enforcement Standards,” the County will be monitoring whether the emission reductions associated with carbon offsets retired

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<sup>14</sup> The commenter regularly refers to the carbon offset registries as “voluntary” registries. The moniker is accurate in that the programs are not a part of California’s regulated carbon market. However, the implication that the use of offsets is “voluntary” or that the registries do not stringently enforce requirements for offsets to be used as CEQA mitigation (or purchased for any other purpose) is incorrect. Project compliance with Mitigation Measures M-GCC-7 and M-GCC-8 will be a *requirement* of Project approval; it is not voluntary. Also not voluntary are the registries’ requirements that carbon offset projects demonstrate compliance with established carbon accounting methodologies and protocols, including registration and verification of carbon offset projects, and demonstration that each offset represents the reduction or removal from the atmosphere on one additional metric ton of carbon dioxide.



for the Project have been reversed and has identified mechanisms to further ensure the continued effectiveness of the mitigation in the event of offset reversal.

The County relatedly notes that the registries maintain processes and mechanisms to ensure permanence and address offset reversals. For example, Section 2.8 of the Climate Action Reserve's Reserve Offset Program Manual "requires that reversals be compensated for in order to ensure the integrity of [offsets] and to maintain their effectiveness at offsetting GHG emissions. Specific rules and conditions for reversal compensation are detailed in individual protocols. Generally, the Reserve requires that [offsets] be retired in proportion to any reversals, such that the total number of issued [offsets] does not exceed the total quantity of CO<sub>2</sub> stored by a project over a sufficiently long period of time." As indicated, the Reserve establishes parameters for reversals on a protocol-by-protocol basis, typically accounting for both avoidable and unavoidable reversals. The Reserve's Forest Project Protocol provides: "If a reversal associated with a Forest Project was unavoidable (as defined below), then the Reserve will compensate for the reversal on the Project Operator's behalf by retiring [Climate Reserve Tonnes (CRTs)] from the Buffer Pool. If a reversal was avoidable (as defined below) then the Project Operator must compensate for the reversal by surrendering CRTs from its Reserve account." If an avoidable reversal occurs, the carbon offset project developer first provides a verified estimate of its current on-site carbon stocks. Then, after the Reserve approves the verified estimate, the carbon offset project developer must surrender CRTs from its reserve account in the amount equal to the reversal in metric tons of CO<sub>2</sub>e. Another example is the Reserve's Grassland Project Protocol, which requires the carbon offset project developer to surrender CRTs from its reserve account equal to the size of the reversal within four months after giving notice of the avoidable reversal to the Reserve. (Copies of the Reserve's Forest and Grassland Project Protocols are located in Attachment "A," Part 1 of 3. See also Section 2.8 (Ensuring Permanence of GHG Reductions) of the Reserve Offset Program Manual, a copy of which is located in Attachment "A," Part 1 of 3.) The American Carbon Registry and Verra establish comparable processes and mechanisms.<sup>15</sup> Because the comment fails to identify a specific protocol that the commenter believes fails to ensure permanency, the County is unable to provide a more specific response.

The comment expresses opposition to the use of offsets purchased from "voluntary registries,"<sup>16</sup> and relatedly asserts that the "presence and need" for buffer pools – which are used to provide

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<sup>15</sup> See, e.g., Verra's AFOLU Non-Performance Risk Tool, v4.0 (September 19, 2019), available at [https://verra.org/wp-content/uploads/2019/09/AFOLU\\_Non-Permanence\\_Risk-Tool\\_v4.0.pdf](https://verra.org/wp-content/uploads/2019/09/AFOLU_Non-Permanence_Risk-Tool_v4.0.pdf). This document "provides the procedures for conducting the non-permanence risk analysis and buffer determination required for Agriculture Forestry and Other Land Use (AFOLU) projects." See also Chapter 5: Permanence in The American Carbon Registry Standard, located in Attachment "A," Part 2 of 3. The American Carbon Registry "requires that projects with a risk of reversals shall assess and mitigate risk, and monitor, report, and compensate for reversals."

<sup>16</sup> For purposes of clarity, in a footnote, the commenter states that the County's 2018-adopted Climate Action Plan (CAP) measure T-4.1 required protocols approved by CARB, CAPCOA, and the SDAPCD, implying that the CAP did not contemplate the use of protocols developed by Climate Action Reserve, American Carbon Registry or Verra. However, this is not accurate. On page 3-38 of the CAP, the County expressly referenced that it may use protocols from these three

substitute carbon offsets in the event of an unanticipated offset reversal – serve to raise “uncertainties about the efficacy of the voluntary registries in the first instance.” The commenter states that the County should only permit use of offsets with a “CARB-approved” compliance offset protocol. In response, like the forestry protocols included in Attachment “A,” the CARB-approved forestry compliance offset protocol also uses a buffer system to compensate for reversals and ensure credited offsets are real and permanent. According to CARB’s protocol, one of three mechanisms used to ensure permanence of forest project GHG emission reductions is the maintenance of a forest buffer account to provide insurance against reversals of GHG emission reductions. The protocol states, “reversals are insured against by a forest buffer account ... [a]ll forest projects must contribute a percentage of [CARB] offset credits to the Forest Buffer Account any time [CARB] offset credits are issued by [CARB] for verified GHG emission reductions and GHG removal enhancements. Each forest project’s contribution is based on a project-specific risk rating.”<sup>17</sup> As such, the utilization of buffer pools does not serve to evince any failure in establishing permanency in the Village 13 Project’s carbon offset mitigation framework – rather, it is a well-accepted approach to ensure no opportunity for reversal of avoided emissions (i.e., any risk of reversal is mitigated by this baked-in buffer system) and thereby *assure permanency*.<sup>18</sup> Please also see the “Registry-Administered Buffer Pools and Similar Programs” document in EIR Attachment GR.R1.1 for related information.<sup>19</sup>

The commenter also cites CARB’s regulatory definition of permanent as requiring that “GHG reductions are either irreversible or endure for at least 100 years.” Each of the three registries permitted by Mitigation Measures M-GCC-7 and M-GCC-8 establish comparable definitions for permanency. For example, the Climate Action Reserve defines permanence as “being equivalent to the radiative forcing benefits of removing CO<sub>2</sub> from the atmosphere for 100 years” and requiring “that carbon remains out of the atmosphere for at least 100 years.” (See the Reserve Offset Program Manual and Climate Forward Program Manual in Attachment “A,” Part 1 of 3.) The American

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registries. See also Appendix B of the County’s Supplemental EIR for the CAP, which contains protocols and methodologies from these three registries.

<sup>17</sup> CARB, Compliance Offset Protocol, U.S. Forest Projects (2015), pp. 30-34, available at <https://ww2.arb.ca.gov/sites/default/files/classic/cc/capandtrade/protocols/usforest/forestprotocol2015.pdf>.

<sup>18</sup> The commenter states that the “County has also failed to demonstrate that the developer will be required to use this buffer pool.” To be clear, the Project Applicants do not use the buffer pool. Rather, the registries and carbon offset project developers use the buffer pools in accordance with the standards set forth in their program manuals. The commenter has presented no evidence (and only speculation) that the registries do not accord to the standards set forth in their program manuals, protocols and methodologies when addressing offset reversals.

<sup>19</sup> The County notes that the buffer pools are just one mechanism employed by the registries to ensure that offsets credited are permanent. For example, conservative quantification assumptions, values, procedures, and parameters are used to account for uncertainty to ensure that a project’s GHG reduction effects are not overstated. See, e.g., Section 1.2 (Reserve Program Principles) of the Reserve Offset Program Manual, a copy of which is located in Attachment “A,” Part 1 of 3.

Carbon Registry acknowledges that “permanence refers to the longevity of removal” and adopts standards to ensure the “perpetual nature of GHG removal enhancements (or avoided emissions from conversion).” (See The American Carbon Registry Standard in Attachment “A,” Part 2 of 3.) Verra similarly provides that permanent means “carbon is stored for 100 years or more.” (See Methodology Requirements in Attachment “A,” Part 3 of 3.)

The commenter also cites language from *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467 (2020 CAP Decision) to support its position that only CARB-approved compliance offset protocols should be permissible under the County’s mitigation framework for the Village 13 Project. However, as discussed in Global Response R1: Carbon Offsets, “Offsets Used by Land Use Development Projects Are Not Issued by CARB or Issued Pursuant to ‘CARB-Approved’ Protocols,” limiting the universe of potential carbon offset protocols to those approved by CARB is neither feasible nor consistent with CARB’s own approach to land use development projects, and is not required by the 2020 CAP Decision. The comments offer no specific critique of the information and analysis presented in Global Response R1 on this topic, or of the specific protocols proposed to be available to satisfy Mitigation Measures M-GCC-7 and M-GCC-8.

In response to the commenter’s request that the County provide further information regarding how it will monitor and enforce the permanency of the carbon offsets retired to mitigate the Project’s GHG emissions, the County proposes to add the following text to the “Reporting and Enforcement Standards” in Mitigation Measures M-GCC-7 and M-GCC-8 (new text shown in underline). This addition to the Mitigation Measures provides further clarity on the County’s proposed implementation framework and the County’s ability to ensure that the effectiveness of the Mitigation Measures is preserved throughout the duration of the mitigation period.

### **Reporting and Enforcement Standards**

... If the County determines that the Project’s carbon offsets do meet the requirements of this mitigation measure, the offsets can be used to reduce Project GHG emissions and Project permits shall be issued. Upon an affirmative finding from the County that the Project’s carbon offsets are eligible for use under this measure, and prior to permit issuance, the County shall confirm that the Project Applicants have included, in their carbon offset purchase agreement(s), a requirement that the carbon offset seller(s) provide the County with reasonable notice of any emissions reversal from the carbon offsets that are the subject of the transaction(s). The County also shall confirm that the Project Applicants’ purchase agreement(s) requires the seller(s) to provide the County with information and evidence regarding the steps taken by the applicable registry(ies) and carbon offset project developer(s) to rectify any reversal in accordance with applicable program manuals, protocols and methodologies, and provide supporting documentation from the registry(ies) to substantiate the correction of the reversal. In the event that the County concludes an offset reversal has not been sufficiently corrected within a reasonable period of time based on the nature of the reversal and the standards set forth in the applicable program manuals, protocols and methodologies, the County shall require an equivalent quantity of substitute GHG reductions are achieved. Methods to achieve the reductions could include requiring the Project Applicants to secure and retire

substitute carbon offsets meeting the requirements of this mitigation measure in a quantity equivalent to those reversed. (Please see **M-GCC-7 Attachment “B,”** which includes a process timeline and associated flow chart for the implementation and administration of the mitigation measure’s requirements. **M-GCC-7 Attachment “B”** is an attachment to this mitigation measure that is part-and-parcel of the mitigation measure.) ...

The mitigation refinements shown above establish additional mechanisms and processes for the County to oversee the continuing effectiveness of the Project’s mitigation obligation, keeping the ultimate focus on ensuring that the requisite quantity of emission reductions are provided.

Finally, as for the operational emissions addressed by Mitigation Measure M-GCC-8, multi-pronged substantial evidence supports the 30-year mitigation period set forth therein, as discussed under the “Duration of Mitigation Obligation” heading in Global Response R1: Carbon Offsets.

### *Verification of GHG Reductions*

The commenter states that Mitigation Measures M-GCC-7 and M-GCC-8 “rely on voluntary registries that do not ensure the offsets are verifiable”; thus, the County must only allow for in-County GHG reductions. In response, the County likewise stresses the importance of achieving verifiable GHG reductions. As shown, Mitigation Measures M-GCC-7 and M-GCC-8 have been revised to specifically define “verifiable” and require the use of protocols and methodologies that achieve verifiable reductions.

Importantly, each of the three registries requires independent, third-party review and auditing by industry experts of all carbon offset projects registered under its umbrella. The review and audit must be completed by an accredited verification body with necessary expertise in the emissions sector where the carbon offset project is being completed.<sup>20</sup> By way of example, most of the Climate Action Reserve’s protocols require that GHG reductions be quantified and verified on at least an annual basis for the length of the carbon offset project’s reporting and verification periods. Even more, if a project under the Climate Action Reserve fails to submit an adequate verification report, then the project may be cancelled. Each of the registries require the independent verification bodies to submit reports meeting specified content requirements, which are then made public to increase transparency and provide access to information regarding the status of each carbon offset project. (See Section 3.4 [Project Verification] in the Reserve Offset Program Manual, a copy of

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<sup>20</sup> Like the approach taken by CARB, the three registries mandate the use of accredited verification bodies when offset projects are validated. In the case of Climate Action Reserve, for example, a qualified verification body must be accredited by the American National Standards Institute and demonstrate sufficient expertise in, and complete required training about, the Reserve’s program manuals and protocols. For more information regarding the Reserve’s robust requirements for verification bodies, which are designed to complement the registry’s efforts to ensure the environmental integrity of the carbon offset projects it registers, see <http://www.climateactionreserve.org/how/verification/how-to-become-a-verifier/>, including the Reserve’s “Additional Project Verification Accreditation Requirements” document made available therein. The American Carbon Registry and Verra use similar standards and processes.

which is located in Attachment “A,” Part 1 of 3; Chapter 9 [Validation and Verification] in The American Carbon Registry Standard, a copy of which is located in Attachment “A,” Part 2 of 3; and, Section 4 [Validation and Verification Requirements] in the VCS Standard, a copy of which is located in Attachment “A,” Part 3 of 3.) The commenter has presented no evidence (and only speculation) that these registries do not accord to the robust verification standards set forth in their program manuals, protocols and methodologies.

Additionally, as provided in the County Implementation Flowchart for Mitigation Measures M-GCC-7 and M-GCC-8 (a copy of which is located in Mitigation Measure M-GCC-7 Attachment “B”), the Project Applicants are required to submit “third-party verification statements and reports for the related carbon offset project(s)” to the County. The County then reviews those statements and reports to confirm they were prepared by independent, accredited verification bodies; contain affirmative findings regarding the carbon offset projects’ compliance with the applicable protocol or methodology; and, identify the quantity of eligible emission reductions that flow from the carbon offset projects. Mitigation Measures M-GCC-7 and M-GCC-8 therefore provide the County with a specific means to verify the adequacy of offsets.

Please also see EIR Attachment GR.R1.1, which contains relevant registry-specific information regarding validation and verification, as well as exemplar verification reports for carbon offset projects.

#### *Additionality of GHG Reductions*

The commenter states that Mitigation Measures M-GCC-7 and M-GCC-8 “fail to ensure that offsets from the voluntary registries are actually additional.” In response, the commenter has presented no evidence or reasoning to support its bald assertion that these registries applying the methodologies and protocols set forth in Attachment “A” do not ensure the additionality of offsets.

The County concurs with the importance of achieving additional GHG reductions, and Mitigation Measures M-GCC-7 and M-GCC-8 have been revised to specifically define “additional” and require the use of protocols and methodologies that achieve additional reductions. Each of the registries’ program manuals contains extensive information regarding the framework for determining whether a proposed carbon offset project would achieve additional GHG reductions that are eligible for crediting under a protocol or methodology:

- For Climate Action Reserve’s standards, see Section 2.4.1 (Additionality Determinations) of the Reserve Offset Program Manual located in Attachment “A,” Part 1 of 3.
- For American Carbon Registry’s standards, see Chapter 4 (Additionality) of The American Carbon Registry Standard located in Attachment “A,” Part 2 of 3.
- For Verra’s standards, see Section 3.13 (Additionality) of the VCS Standard located in Attachment “A,” Part 3 of 3.

As discussed in the program manuals at the referenced locations, the registries typically test for additionality by considering whether implementation of a project is required by federal, state or local law (if so, it is not additional) and whether project implementation would have occurred for other reasons attributable to financial, economic, social and technological drivers (if so, it is not

additional). Each registry uses different terms of art for this evaluation – e.g., the Climate Action Reserve refers to a legal requirement test and a performance standard test, whereas the American Carbon Registry refers to a regulatory surplus test, common practice test and implementation barriers test. That being said, those are nomenclature distinctions only, as each registry targets the achievement of additional reductions as defined by the County and the commenter.

The framework set forth in the program manuals is then carried forward into the protocols and methodologies adopted by registries, where additionality criteria specific to each carbon offset project type are set forth. (Please also see the “Over-Crediting of Carbon Offsets” discussion in response to the Endangered Habitats League’s September 18, 2020 comment letter, which contains further information on the registries’ treatment of additionality.) For example, in the Climate Action Reserve’s Forest Project Protocol (see Attachment “A,” Part 1 of 3), additionality is discussed in Section 3.3 and consists of approximately five pages of information and criteria that inform the Reserve’s additionality determination. The commenter has presented no evidence (and only speculation) that the registries do not accord to the articulated additionality standards set forth in their program manuals, protocols and methodologies.

The commenter favorably refers to CARB-approved compliance offset protocols as establishing eligibility and additionality criteria for carbon offset projects; quantification parameters based on standardized baseline assumptions and emission factors; and, monitoring methods. Although not subject to the requirements applicable to compliance offset protocols used under the Cap-and-Trade Program, each of the registries’ program manuals require the same concepts; and, each of those concepts are addressed at a carbon offset project type-specific level in the registries’ protocols and methodologies. Using the Climate Action Reserve’s Landfill Project Protocol (see Attachment “A,” Part 1 of 3) as an example, carbon offset project eligibility and additionality criteria are discussed in Section 3 (Eligibility Rules); quantification parameters are set forth in Section 4 (The GHG Assessment Boundary) and Section 5 (Quantifying GHG Emission Reductions); and, monitoring methods are discussed in Section 6 (Project Monitoring). Similarly, in American Carbon Registry’s Transition to Advanced Formulation Blowing Agents in Foam Manufacturing and Use Methodology (see Attachment “A,” Part 2 of 3), carbon offset project eligibility and additionality criteria are discussed in Section 1.2 (Applicability Conditions) and Section 3.2 (Additionality Assessment); quantification parameters are set forth in Section 4 (Quantification of GHG Emission Reductions); and, monitoring methods are discussed in Section 5 (Monitoring and Data Collection). Finally, in Verra’s Recovery and Destruction of Ozone-Depleting Substances Methodology (see Attachment “A,” Part 3 of 3), carbon offset project eligibility and additionality criteria are discussed in Section 4 (Applicability Conditions) and Section 7 (Additionality); quantification parameters are set forth in Section 8 (Quantification of GHG Emission Reductions and Removals); and, monitoring methods are discussed in Section 9 (Monitoring). In sum, substantial evidence demonstrates that the three registries identified in Mitigation Measures M-GCC-7 and M-GCC-8 require the same robust additionality requirements for accreditation as those identified by the commenter in CARB-approved compliance offset protocols.

#### *Conservative Assumptions in Calculation of Project Emissions and Offset “Cushion”*

Many of the commenter’s concerns appear to stem from a belief that a sufficient quantity of GHG

emission reductions will not be realized in order to fully offset Project-related emissions to net zero. While the Project’s record of proceedings contains substantial evidence supporting the effectiveness of the carbon offsets framework set forth in Mitigation Measures M-GCC-7 and M-GCC-8, the County also observes that the GHG emissions inventory for the Village 13 Project was calculated via a number of conservative input assumptions that have served to over-estimate Project emissions. The consequence of this over-estimation of Project emissions is that the number of emission reductions needed to achieve net zero also is over-estimated, thereby creating a conservative “cushion” in the calculations of the mitigation reduction quantities for carbon offsets.

Examples of the over-estimation in the Project’s GHG emissions inventory include:

- (1) The omission of quantitative reduction benefits that could be assigned to the mitigation commitments. For example, the emission reductions that would flow from the following design-related mitigation commitments were conservatively excluded from the inventory:
  - a. the requirement for building electrification under M-GCC-4;
  - b. the requirement to exceed the 2019 Title 24 standards under M-GCC-2 and M-GCC-5;
  - c. the elimination of natural gas-burning fireplaces under M-GCC-4 and M-GCC-5;
  - d. the installation and utilization of electric vehicle charging infrastructure under M-GCC-6; and,
  - e. the prohibition on gas-powered landscaping equipment and golf carts under M-GCC-9.
- (2) The reasonably foreseeable, but not yet fully known parameters of, future legislative and regulatory action that will need to occur for the State’s achievement of its climate policies. An example of this conservatism is the inventory’s emissions factors for the passenger vehicle fleet, which do not account for the recently issued Executive Order N-79-20’s goal for 100 percent of in-State sales of new passenger cars and trucks to be zero emission by 2035. Additionally, no credit was taken for the State’s attainment of carbon-free electricity resources by 2045 under SB 100 (2018).

### ***Achievement of AB 32 Criteria***

The commenter objects to the protocols and methodologies contained in Mitigation Measure M-GCC-7 Attachment “A” because they are not CARB-approved protocols under the rubric of AB 32, and suggests that the Fourth District Court of Appeal’s *2020 CAP Decision* exclusively requires the use of such protocols. There are five important points to be made in response to this comment:

First, the Fourth District found it was “unnecessary to address” whether CEQA imports the Health and Safety Code’s AB 32 standards for purposes of GHG mitigation. (*2020 CAP Decision*, supra, 50 Cal.App.5th at p. 507, fn. 21.) As such, to the extent the commenter is suggesting that the Fourth District mandated incorporation and use of AB 32 standards, the commenter is mistaken.

Second, it is clear on the face of Health & Safety Code Section 38562(d) that the requirements therein apply to “[a]ny regulation adopted by the state board.” AB 32 expressly defines the “state board” as the California Air Resources Board. (Health & Saf. Code, §38505(l).) Nothing in Section 38562(d) addresses GHG reduction strategies used by cities or counties, or GHG reduction strategies developed for CEQA purposes.

Third, and relatedly, the mitigation measures at issue in the *2020 CAP Decision* and the Village 13 Project EIR are distinguishable because the measure in the former expressly incorporated the Health and Safety Code’s AB 32 standards via reference to Health & Safety Code section 38562(d)(1). This can be contrasted with Mitigation Measures M-GCC-7 and M-GCC-8, which unambiguously provide the following:

The above definitions are provided as criteria and performance standards associated with the use of carbon offsets. The County hereby clarifies that such criteria and performance standards are intended only to further construe the standards under CEQA for mitigation related to GHG emissions (see, e.g., State CEQA Guidelines Section 15126.4(a), (c)), and are not intended to apply or incorporate the requirements of any other statutory or regulatory scheme not applicable to the Project (e.g., the Cap-and-Trade Program).

Fourth, EIR Global Response R1: Carbon Offsets specifically addresses the relevance of the AB 32 standards for the Cap-and-Trade Program under the “Relationship of Project Mitigation to CARB’s Compliance Offsets under the Cap-and-Trade Program.” As explained therein, the Cap-and-Trade Program’s standards for carbon offsets, developed by CARB pursuant to its AB 32 authorities and responsibilities, do not apply to the Village 13 Project and compliance offset protocols are developed by CARB for use only by covered entities under the Cap-and-Trade Program. That said, CARB’s early action offset protocols were developed by the Climate Action Reserve.

Fifth, through its circulation of the updated iterations of Mitigation Measures M-GCC-7 and M-GCC-8 (including their supporting attachments) and the refined version of Global Response R1: Carbon Offsets, the County has furnished extensive information regarding the development and process for adopting the Attachment “A” carbon offset protocols. The information and analysis provided demonstrate that the protocols proposed for use with the Village 13 Project meet the offset criteria set forth by the County in its mitigation measures and CEQA requirements that mitigation be certain to occur and enforceable. (CEQA Guidelines Section 15126.4(a)(2).) The commenter generally references the *2020 CAP Decision* without any reference to this extensive body of supporting information. The commenter provides no specific reasoning or evidence for the specific protocols provided in Attachment “A” being deficient in any way.

#### *Public Participation Avenues for Protocol and Methodology Development*

The commenter states that the Climate Action Reserve, American Carbon Registry and Verra do not provide processes similar to those used by CARB for purposes of subjecting a “proposed offset protocol to public notice, a comment period, and a public hearing.” However, this opinion is contrary to substantial evidence included in the Project’s record of proceedings. As described in



Global Response R1: Carbon Offsets, the registries adhere to a robust and transparent public participation process:

[E]ach registry engages in public consultation and provides public review during the protocol development phase, affording interested members of the public and experts in the field an opportunity to provide input on the protocol. Draft protocols also are routinely subject to peer review by independent experts in the field, which often results in an iterative process that refines the standards contained in each draft protocol. Further, each registry only approves a protocol if it determines that the protocol complies with its program manual and will generate carbon offsets with sufficient environmental integrity.

The “Registry-Administered Protocol/Methodology Development Processes” document included in EIR Attachment GR.R1.1 provides further information and evidence on this subject. As illustrated in that document, which includes a table with illustrative protocol/methodology-specific examples, each registry vets proposed protocols and methodologies via public review opportunities, expert and stakeholder review avenues, and review by its own staff and decision-making bodies. In this respect, the processes followed by the registries are analogous to those used by CARB for the Cap-and-Trade Program’s compliance offset protocols. Through this CEQA process, the County has provided additional public notice and public review period for comments on the proposed offset protocols. The Board of Supervisors will hold a public hearing on the Project and its CEQA requirements, including the protocols.

#### *Percentage Quantity of Carbon Offset Reductions Allowed*

The commenter asserts that the County “allows an unlimited percentage of project emissions to be offset through voluntary registries,” suggesting that such an approach is inconsistent with the Fourth District Court of Appeal’s *2020 CAP Decision* and its discussion of the eight percent limit imposed under CARB’s implementing regulations for the Cap-and-Trade Program. In response, and firstly, it is incorrect to say that the County permits unlimited use of carbon offsets. The EIR is clear that the Village 13 Project was first required to exhaust all feasible on-site reduction strategies *before* pivoting to the use of off-site carbon offsets.

Second, the *2020 CAP Decision* plainly stated the Fourth District would “express no opinion on whether 8 percent is also the CEQA limit. That issue is not before us.” (*2020 CAP Decision*, supra, 50 Cal.App.5th at p. 511, fn. 26.) Third, EIR Global Response R1: Carbon Offsets addresses the reasons why this eight percent limit does not apply to land use development projects, like the Village 13 Project, in the discussion appearing under the subheading titled, “The Quantitative Limits on Offsets Established for Cap-and-Trade Program Covered Entities Do Not and Should Not Apply to This Land Use Development Project.”

As for the commenter’s related characterization of the Village 13 Project as a “sprawl” project resulting in “unavoidable” emission increases, both characterizations are contrary to record evidence. The Village 13 Project is part of and consistent with the General Plan’s land use framework, as historically established through the County’s 1993 approval of the Otay Ranch General Development Plan/Subregional Plan. Information and analysis in the EIR also confirms

that the Project is consistent with the General Plan's GHG reduction goals and policies, which do not prohibit the Project's use of all feasible GHG reduction strategies and do not prohibit the use of out-of-County carbon offsets. (Please see EIR Global Response R1: Carbon Offsets, and specifically the discussion titled, "The Use of Carbon Offsets Is Not Inconsistent with the County's General Plan.")

Further, the EIR determined that the Project's GHG emissions would be less than significant with implementation of the recommended mitigation framework; there are no "unavoidable" emission increases because Project-related GHG emissions would be reduced to net zero through on-site and off-site reduction strategies. Additionally, even without the utilization of carbon offsets, the Project would not increase GHG emissions above the emissions level allowed by the General Plan's land use designations for the Project Site (see EIR Appendix C-25).

On the subject of VMT, which also is mentioned, please see EIR Response to Comment RO-1-18, which addresses prior comments from the commenter on the Project's VMT impacts.

### ***Feasibility of Requiring In-County Offsets***

The commenter states that it is "incumbent upon the County to develop" an in-County offset program for CEQA mitigation purposes, and that Mitigation Measures M-GCC-7 and M-GCC-8 "do not require any efforts by the County or project developer to create in-County offsets." In response, the comment exceeds the scope of the analysis and Mitigation Measures proposed for *this Project*. The general comment concerning County development of an offset program will be included for consideration by decisionmakers, though the County notes at this juncture that its recently rescinded 2018 Climate Action Plan (CAP) included such a GHG reduction strategy (see Measure T-4.1, Establish a Local Direct Investment Program).

As pertains to this Project, the County underscores that Mitigation Measures M-GCC-7 and M-GCC-8 are structured to require the use of in-County offsets to the extent they are available, as determined via a market survey report. Refer to the Mitigation Measures' "Locational Performance Standards." The County also notes that it is infeasible and unreasonable to require the Village 13 Project Applicants to identify, administer and undertake off-site GHG reduction activities in the San Diego region that achieve all of articulated standards in Mitigation Measures M-GCC-7 and M-GCC-8 in the absence of an existing and adopted agency-administered plan or program for such activities. Developing such activities likely would require that the Project Applicants initiate and complete the following efforts:

- identify potential off-site locations that are likely under different ownership, and survey such locations for potential GHG reduction opportunities;
- evaluate the constraints of each off-site location and the preliminary magnitude of GHG reduction potential;
- negotiate the legal rights necessary to make GHG reduction improvements at such off-site locations;
- work with carbon offset project developers to create new types of reduction activities that likely are *not* the subject of existing, scientifically-vetted methodologies and quantification protocols recognized by offset registries;

- create methodologies and protocols for the specific type of reduction activity that meet the offset registries’ standards;
- negotiate contractual terms required to implement such reduction activities;
- administer and fund such activities; and
- accomplish each of the steps outlined herein prior to issuance of grading and building permits.

Each GHG reduction activity itself would also likely require administrative review, CEQA review, public hearings, and approval by a lead agency (e.g., the County of San Diego, if within the unincorporated County region). Such an undertaking likely would be more complex than the Project itself. In summary, the comment’s request would require land use project developers to become carbon offset project developers, without any such expertise or technological background in that area, without any certainty of successfully accomplishing such a carbon offset project, and at substantial cost and delay to the development of much-needed housing during a statewide housing emergency.<sup>21</sup>

The commenter relatedly discusses a report, “Carbon Offsets in San Diego County” published by U.C. San Diego, Scripps Institution of Oceanography, that addresses the benefits of increasing the penetration of local offset projects in the San Diego region. The County notes that the report’s author recommends that “[w]orking with ... common voluntary offset registries like American Carbon Registry, Climate Action Reserve, Verra, and Gold Standard to provide local options in the San Diego region at a premium rate can help increase investment in local projects.” The County does not disagree with this recommendation or its favorable endorsement of the referenced registries, and only notes that it is neither feasible nor reasonable to shift the responsibility for developing such local projects to individual land use developers within the context of entitlement and environmental review processes for a singular project.<sup>22</sup>

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<sup>21</sup> The multi-year process to administer off-site GHG reduction activities is problematic as it relates to proposed housing projects, given the current housing crisis in California and recent state legislation to facilitate the approval of housing projects by local agencies. For example, the California Legislature has declared that the lack of housing “is a critical problem that threatens the economic, environmental, and social quality of life in California.” The California Legislature passed Senate Bill (SB) 330, the Housing Crisis Act of 2019, with the intent to “significantly increase the approval and construction of new housing for all economic segments of California’s communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters.” (SB No. 330 (2019-2020 Reg. Sess.).)

<sup>22</sup> It is noted that, based on the County’s research and discussions with environmental commodities marketers (e.g., Element Markets), the supply of in-State (and in-County) carbon offsets is limited due to: (1) stringent State regulations, which affect whether a project can be classified as resulting in “additional” reductions (i.e., there are few opportunities for additional in-state reductions above and beyond those required and regularly made more stringent by California regulations); (2) climate conditions; and (3) the majority of in-State carbon offset projects deliver credits exclusively to CARB’s Cap-and-Trade Program and Low Carbon Fuel Standard, which offsets are not available for use for land use project mitigation.

### ***Enforceability of In-U.S. Carbon Offset Project Reductions***

The commenter highlights language from the *2020 CAP Decision* (50 Cal.App.5th at pp. 512-513), where the Fourth District Court of Appeal found that “the County has no enforcement authority in another state” and has not required “a finding that an out-of-state offset site has laws at least as strict as California’s with respect to ensuring the validity of offsets.” In response, these enforcement concerns are addressed in the updated iterations of Mitigation Measures M-GCC-7 and M-GCC-8. More specifically, both Measures expressly state that the County “has reviewed and determined that the protocols and methodologies included in **M-GCC-7 Attachment ‘A’** require adherence to equivalent standards for carbon offset projects located both inside and outside of California.” The commenter presents no evidence that this proposed determination is not supported based on the Attachment “A” protocols and methodologies.

Further, both Measures have been updated to expressly provide that “the emissions reductions required by this mitigation measure are enforceable against the Project Applicants, as the County has authority to hold the Project Applicants accountable and to take appropriate corrective action if the County determines that any carbon offsets do not comply with the requirements set forth in this mitigation measure.” As discussed above, this approach provides for the County to exercise its jurisdictional enforcement authority against the Project Applicants throughout both the permitting and monitoring process. The County need not “enforce” with the registries off-site carbon offset projects located outside of its boundaries; the County will retain the necessary enforcement authority, throughout the 30-year mitigation period, to require the *Project Applicants to procure* the necessary quantity of carbon offset reductions, which is what is required to ensure the integrity of the County’s CEQA compliance.

### ***CARB’s Certification of AB 900 Projects***

The commenter is critical of the discussion in EIR Global Response R1: Carbon Offsets titled, “CARB’s Certification of AB 900 Projects Establishes Precedent for Use of Voluntary Carbon Offsets by Land Use Development Projects to Achieve Net Zero Emissions.” The comment focuses on the fact that a CARB determination is required for AB 900 projects, and states that CARB “specifically reviews the GHG quantification methodologies and mitigation measures prior to certifying the project.” In response, the County does not disagree with the commenter’s characterization of CARB as an expert, technical reviewer of AB 900 projects’ GHG emissions analyses. However, the comment misses the point of the referenced discussion, which is to underscore that CARB permits the use of carbon offsets:

1. Purchased from the “voluntary” market;
2. Without requiring AB 900 projects to provide documentation of the specific types of offset projects or protocols/methodologies that will be utilized to achieve net zero reductions;
3. Without mandating quantitative limits on the percentage or number of carbon offsets;
4. Without reviewing or approving the carbon offsets ultimately purchased; and,
5. Without requiring the use of locally-sourced carbon offsets.

The commenter provides no evidence contrary to the information and analysis presented in EIR Global Response R1 on this subject.

### ***Deferral of Mitigation***

The comment first states that the County has failed to “provide sufficiently defined and specified offset protocols to ensure that the mitigation measures actually ensure real, permanent, additional, verifiable offsets.” In response, Mitigation Measure M-GCC-7 Attachment “A,” as circulated for public review, contains the specific protocols and methodologies that the County proposes to be eligible for use by the Village 13 Project to mitigate its GHG emissions in the event that it is approved by the County’s Board of Supervisors. The commenter identifies no specific shortcomings in specific protocols and methodologies included in Attachment “A.”

The commenter also takes issue with the potential for the registries to “change the methodologies,” as provided in Mitigation Measures M-GCC-7 and M-GCC-8, and states that this “constitutes improper deferral.” The County does not concur because the Mitigation Measures limit the use of updates to protocols and methodologies to those that proceed “in accordance with the registry documentation listed in the prior paragraph to ensure the continuing efficacy of the reduction activities.”<sup>23</sup> As further explained in the Preface to Attachment “A”:

The Attachment “A” protocols and methodologies are periodically updated by the registries, pursuant to their established processes, in response to public comments, on-the-ground experience, and technological, scientific and regulatory developments. Updates ensure no reduction in efficacy and environmental integrity, in accordance with the registries’ program manuals. Related iterations of the protocols and methodologies for the carbon offset project types listed herein may be used. However, protocols and methodologies for carbon offset project types that are not listed herein cannot be utilized by the Village 13 Project, absent additional evaluation and action by the County of San Diego.

Thus, only updates to methodologies that are equally or more effective and comply with the standards explicitly established by Mitigation Measures M-GCC-7 and M-GCC-8 may be used to meet the Project’s mitigation requirements. (See, *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 523-524 [mitigation properly allows to substitutions of “equal or more effective” measures].) The “Registry-Administered Protocol/Methodology Development Processes” document in EIR Attachment GR.R1.1 contains additional, supporting information on the processes used by registries to revise existing protocols and methodologies.

### ***Development of a “Smart Growth Plan”***

The commenter maintains that the County should not consider the Village 13 Project until it develops a “Smart Growth Plan.” In doing so, the comment misapplies the Fourth District Court

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<sup>23</sup> The County also notes that the Mitigation Measures commit to mitigation by setting forth a net zero performance standard that must be achieved, along with a host of very specific requirements for mitigation implementation and enforcement.

of Appeal’s 2020 CAP Decision, which found fault with the County’s alternatives analysis in the Supplemental EIR for its CAP for not considering a smart growth alternative, but did not mandate the adoption of a “Smart Growth Plan.” As discussed above, the Village 13 Project is consistent with the existing General Plan, and is part of the larger master-planned community of Otay Ranch. The Otay Ranch community was designed to create a synergy between smart growth principles and balanced land use design for a large-scale, mixed-use community. While the commenter may not be supportive of this “piece” of the Otay Ranch development puzzle, it is not accurate to say it was designed in the absence of smart growth thinking. Additionally, the comment provides no specific critique of the alternatives analysis presented in the Village 13 Project EIR, which analyzed a range of alternatives to the Project and assessed the feasibility of alternative locations.

It also is noted that the Project’s consistency with SANDAG’s Sustainable Communities Strategy, a component of the *San Diego Forward* plan, is addressed in EIR Subchapter 2.10, Global Climate Change. The referenced analysis concluded that the Project would not conflict with SANDAG’s implementation of its regional plan or attainment of its SB 375 reduction targets in 2020 and 2035 for numerous reasons presented in EIR Subchapter 2.10.

### ***Additional On-Site and In-County Reduction Opportunities***

The commenter pivots to a series of three types of additional GHG reduction opportunities, all of which it believes are feasible for “the County to adopt” on-site and as “countywide mitigation measures”:

- (1) On-site reduction strategies specific to the Village 13 Project;
- (2) In-County reduction strategies that it recommends the County develop and implement countywide; and,
- (3) In-County reduction strategies specific to new and existing development that it recommends the County develop and implement countywide.

Each of the recommendations is evaluated in the three tables that follow. And, as shown, many of these strategies already are being implemented or proposed for implementation at the Project-specific and countywide levels. That being said, the County notes that it is beyond the scope of *this* Project to demand the implementation of countywide measures, due to CEQA’s recognition of nexus and proportionality issues when developing necessary mitigation. Further, as to the second table (Countywide GHG Reduction Strategies), many of the commenter’s recommendations are consistent with the GHG reduction measures contained in the Climate Action Plan (CAP) adopted by the County in 2018, and such measures are cross-referenced in the table. Due to litigation (including the 2020 CAP Decision referenced earlier in these responses), the County set aside the 2018 CAP on September 30, 2020. While the 2018 CAP has been rescinded, the County will continue to implement GHG reduction measures contained in the CAP, as the Fourth District Court of Appeal found no fault with these measures.<sup>24</sup> As such, it is still appropriate to reference those measures in the table below.

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<sup>24</sup> For related information, see <https://www.countynewscenter.com/county-moves-forward-to-create-new-climate-action-plan/>.

The commenter also recommends that the County include an Environmental Justice/Social Equity component in the San Diego Climate Action Plan. This comment is beyond the scope of the environmental review for the Village 13 Project. That being said, for information regarding the environmental justice implications of this Project, please see EIR Attachment GR.R2.1 (Otay Ranch Village 13 Environmental Justice Evaluation).

<b>Project-Specific On-Site GHG Reduction Strategies</b>		
<i>No.</i>	<i>Recommendation</i>	<i>Evaluation</i>
1.	All residential and commercial development shall be all-electric with no plumbing for natural gas. Accordingly, no gas-powered water heaters, stoves/cooktops, fireplaces, or any other gas-powered appliance shall be allowed.	<p>Please see EIR Response to Comment RO-1-5 for relevant information regarding building electrification and the elimination of natural gas. Please also see the responses to CNPS-SD's September 18, 2020 comment letter. As shown therein, Mitigation Measure M-GCC-4 has been refined and updated to require that all single-family residences proposed by the Project be electrified and not utilize natural gas.</p> <p>The County also notes that the electrification requirement set forth in the Mitigation Measure M-GCC-4 would beneficially reduce the Project's air quality impacts by eliminating the consumption of natural gas by single-family residences.</p>
2.	Photovoltaic solar panels and batteries shall be included in the project design to provide 100 percent of the Project's residential electricity needs, and the maximum amount of the Project's commercial needs.	<p>The use of photovoltaic solar panels is anticipated in order to meet the Zero Net Energy design requirements for single-family residences set forth in MM M-GCC-4. (See EIR Appendix C-2, Appendix C.) It also is likely that photovoltaic solar panels will be utilized to meet the "beyond code" design requirements for multi-family residences and commercial development set forth in MM M-GCC-5.</p> <p>Additionally, while energy storage solutions are being addressed regionally by the utility providers, the Project's residences also shall be pre-wired to facilitate the ready installation of battery-based energy storage systems by interested homeowners. This enhanced mitigation commitment is reflected in Mitigation Measures M-GCC-4 and M-GCC-5.</p>
3.	Electric vehicle charging stations shall be included in the project design to provide charging capacity adequate to service all anticipated vehicles utilizing residential and commercial development. Each residential unit will have a 220-volt outlet in or near its carport so that future recharging on site will be facilitated if desired.	MM M-GCC-6 requires the installation of zero emission vehicle (ZEV) charging infrastructure throughout the Project's residential and non-residential development areas.
4.	Electric heat pumps shall be included in the project design to provide 100 percent of water heating and cooling for swimming pools and all residential and commercial air and water heating and cooling.	Please see EIR Response to Comment RO-1-5 for relevant information regarding building electrification and the elimination of natural gas. As discussed therein, the Project's building envelopes have been electrified to the extent feasible at this time.
5.	Gas-powered landscape maintenance equipment shall be prohibited.	Consistent with this recommendation, the Project's CC&Rs shall include an express prohibition on the homeowners' use of gas-powered landscape maintenance equipment. Additionally, the CC&Rs shall include an express prohibition on the homeowners' use of combustion engine-powered golf



Project-Specific On-Site GHG Reduction Strategies		
No.	Recommendation	Evaluation
		<p>carts in the community; any personal golf carts utilized must be powered by electricity or another zero emission technology. These commitments are reflected in the new Mitigation Measure M-GCC-9.</p> <p><b>M-GCC-9 Prohibitions on Specified Types of Gas-Powered Engines</b></p> <p>The Project's Conditions, Covenants &amp; Restrictions (CC&amp;Rs) shall prohibit the homeowners from using or contracting for the operation of gas-powered landscape maintenance equipment (e.g., lawn mowers, leaf blowers, hedgers) within their privately-owned and maintained residential footprint. Additionally, the CC&amp;Rs shall prohibit the homeowners from operating combustion engine-powered golf carts in the community. Both of these prohibitions are intended to facilitate the deployment of electric-powered equipment and the use of zero emission technology.</p> <p>The County notes that Mitigation Measure M-GCC-9 also would beneficially reduce on-site ambient noise levels within the community, and reduce criteria air pollutant and toxic air contaminant emissions through the elimination of gasoline-based combustion from the identified sources.</p>
6.	Increased frequency of bus service to the public transit centers shall be sought. Parking by the transit center will be provided and bike paths and walking paths will access the transit center.	The Project does not include a public transit center; please see Response to Comment RO-1-8 for information prepared in response to the commenter's prior comments on the availability of public transit at the Project site.

<b>Countywide GHG Reduction Strategies<sup>25</sup></b>		
<i>No.</i>	<i>Recommendation</i>	<i>Evaluation</i>
1.	Adopting a Community Choice Aggregation Program. The goal should be to achieve 90% clean energy goal by 2030 consistent with local cities such as San Diego, Del Mar, Solana Beach and Encinitas.	Please see 2018 CAP Measure E-2.1: Increase Renewable Electricity.
2.	Committing to electrification of the Port of San Diego, to the extent that such measures are not already required and/or funded.	The County is neither the owner nor the operator of the Port of San Diego; rather, the Port is under the jurisdiction of the San Diego Unified Port District. As such, the County's implementation of this recommendation is not feasible.
3.	Establishing an urban tree-planting program.	Please see 2018 CAP Measure A-2.1: Increase Residential Tree Planting and Measure A-2.2: Increase County Tree Planting.
4.	Extending mass transit throughout the County, to the extent that such measures are not already required and/or funded.	<p>Please see 2018 CAP Measure T-1.3: Update Community Plans, Measure T-2.2: Reduce Emissions from New Non-Residential Development Vehicle Miles Traveled, and Measure T-2.3: Reduce County Employee Vehicle Miles Traveled.</p> <p>The County also notes that it is not the public transit owner or operator in the San Diego region; as such, collaboration with the San Diego Association of Governments (SANDAG), Metropolitan Transit System (MTS) and North County Transit District (NCTD) is required to facilitate achievement of this recommendation.</p>
5.	Ensuring methane recapture from farms and landfills. Existing landfills emit over 10% of San Diego County GHG. An aggressive solid waste diversion program and capture of methane and other GHG gas from landfills should be included in the San Diego County Climate Action Plan.	Please see 2018 CAP Measure SW-1.1: Increase Solid Waste Diversion.
6.	Providing incentives for carpooling.	Please see 2018 CAP Measure T-2.2: Reduce Emissions from New Non-Residential Development Vehicle Miles Traveled, Measure T-2.3: Reduce County Employee Vehicle Miles Traveled, and Measure T-2.4: Shared and Reduced Parking in New Non-Residential Development.

<sup>25</sup> As discussed above, these Countywide strategies exceed the scope of this Project, and therefore this evaluation is provided for informational purposes only.

<b>Countywide GHG Reduction Strategies<sup>25</sup></b>		
<i>No.</i>	<i>Recommendation</i>	<i>Evaluation</i>
7.	Building bike trails and protected lanes of bikes and scooters.	Please see 2018 CAP Measure T-1.3: Updated Community Plans and Measure T-2.1: Improve Roadway Segments as Multi-Modal.
8.	Providing incentives to the public for purchase of low emission vehicles.	Please see 2018 CAP Measure T-3.3: Develop a Local Vehicle Retirement Program and Measure T-3.5: Install Electric Vehicle Charging Stations.
9.	Providing free parking for electric vehicles.	Please see 2018 CAP Measure T-2.4: Shared and Reduced Parking in New Non-Residential Development.
10.	Constructing solar and wind power additions to county buildings.	Please see 2018 CAP Measure E-2.1: Increase Renewable Electricity and Measure E-2.4: Increase Use of On-Site Renewable Electricity Generation for County Operations.
11.	Providing dividend account parking to County employees, so that they can choose to pay for a parking space or find alternative transportation and keep the money.	Please see 2018 CAP Measure T-2.3: Reduce County Employee Vehicle Miles Traveled.
12.	Systematically promoting, via rules or subsidies, the sale of locally grown foods and products.	Please see 2018 CAP Measure T-1.3: Update Community Plans.
13.	Installing electric vehicle charging stations at all county parking lots.	Please see 2018 CAP Measure T-3.5: Install Electric Vehicle Charging Stations.
14.	Promoting the expansion of public electrical vehicle charging stations throughout the county.	Please see 2018 CAP Measure T-3.5: Install Electric Vehicle Charging Stations.
15.	Committing to 50% electric landscaping equipment by 2030 and all leaf blowers should be electric or battery powered by 2025.	The San Diego Air Pollution Control District administers an annual Lawn and Garden Trade-In Program to facilitate the replacement of gas-powered lawn equipment with zero-emission electric-powered equipment.
16.	Increasing purchase of sensitive land for permanent habitat and additions to the Multiple Species Conservation Program (MSCP).	Please see 2018 CAP Measure T-1.1: Acquire Open Space Conservation Land.
17.	Increasing preservation and restoration of wetlands and marshland throughout the County to facilitate carbon sequestration.	Please see 2018 CAP Measure T-1.1: Acquire Open Space Conservation Land.
18.	Building a People Mover from the San Diego Airport to downtown and the trolley.	The County is neither the owner nor the operator of the San Diego International Airport; rather, the Airport is under the jurisdiction of the San Diego County Regional Airport Authority. Further, this recommendation would require the collaboration of the Airport Authority with other entities, such as the City of San Diego, SANDAG and MTS, as those are agencies with jurisdiction over the public rights of way and transit/trolley

Countywide GHG Reduction Strategies <sup>25</sup>		
<i>No.</i>	<i>Recommendation</i>	<i>Evaluation</i>
		infrastructure associated with this recommendation. As such, the County's implementation of this recommendation is not feasible.

Countywide New and Existing Development GHG Reduction Strategies <sup>26</sup>		
<i>No.</i>	<i>Recommendation</i>	<i>Evaluation</i>
1.	Providing subsidies for weatherization of homes.	The County's 2018 CAP referenced the potential for County investment in weatherization projects in conjunction with CAP Measure T-4.1: Establish a Local Direct Investment Program. The County also administers a Green Building Incentive Program that is consistent with the objective of this recommendation.
2.	Providing tax incentives for residents to install renewable energy infrastructure.	The 2018 CAP's Table 5.2: Potential Funding Sources to Support Greenhouse Gas Reduction Measures discloses that federal income tax credits are available for energy efficiency upgrades for homes. The County also administers a Green Building Incentive Program that is consistent with the objective of this recommendation.
3.	Prohibiting gas from all new construction. Committing to 100% electric for all new construction.	Please see Response to Comment RO-1-5, which addresses the commenter's previous comments regarding the feasibility of comprehensive building electrification. As discussed therein, it has not yet been demonstrated to be feasible at the jurisdiction level. However, please also see No. 1 in the Project-Specific On-Site GHG Reduction Strategies table above that describes additional electrification of the Project.
4.	Prohibiting inclusion of gas fireplaces and gas water heaters in new construction.	As to water heating, a similar countywide policy was addressed in 2018 CAP Measure E-2.1: Use Alternatively-Powered Water Heaters in Residential Development. Though rescinded, the 2018 CAP GHG reduction measures are available on a project-by-project basis. The project-specific analysis prepared for the Village 13 Project has determined that it is feasible

<sup>26</sup> As discussed above, these Countywide strategies exceed the scope of this Project, and therefore this evaluation is provided for informational purposes only.

<b>Countywide New and Existing Development GHG Reduction Strategies<sup>26</sup></b>		
<i>No.</i>	<i>Recommendation</i>	<i>Evaluation</i>
		to prohibit natural gas fireplaces and water heaters in its new residential construction.
5.	Creating incentives for conversion from propane to electric.	The County administers a Green Building Incentive Program that is consistent with the objective of this recommendation.
6.	Providing subsidies for conversion of home and business from gas power to electric.	The County administers a Green Building Incentive Program that is consistent with the objective of this recommendation.
7.	Avoiding conversion of farmland.	Minimizing the conversion of farmland is a key tenet of the County's General Plan; please see the General Plan's Land Use Element and Conservation and Open Space Element.